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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 FIRS HOME OWNERS ASSOCIATION,

8 Plaintiff,

9 v.

10 CITY OF SEATAC,

11 Defendant.

12 Cause No. C19-1130RSL

13 ORDER DIRECTING ENTRY
14 OF JUDGMENT

15 On June 21, 2022, the Court dismissed all of plaintiff's remaining claims except a claim
16 brought under RCW 49.60.215 ("WLAD Claim 6"). RCW 49.60.215 makes it an unfair
17 practice for any person "to commit an act which directly or indirectly results in any distinction,
18 restriction, or discrimination . . . , or the refusing or withholding from any person [] admission . .
19 . in any place of public . . . assemblage . . ." Plaintiff's WLAD Claim 6 was based on an
20 October 25, 2016, statement by Deputy Mayor Pam Fernald at a public meeting:

21 Okay. Well, so, what I'd like to say is that I don't think there's a person up here
22 that doesn't understand what's happening and does not have – what word do I
23 want to use – well, compassion. It's even more than compassion – is not broken-
24 hearted that people will be displaced. But, what I want to make clear, and I've said
25 this to guys when it came to the town meeting as well, you know, I think – I think
26 you're getting some bad information, some bad advice. And so I – I respectfully
27 request that you wouldn't come here and say it is up to us when we know, we all
28 know, it's not up to us. We don't have any legal recourse. If we did, we'd be doing
it. So, if somebody is telling you that, I mean we can't break the law. We can't

1 break our law. We can't just change something on a whim at the last minute to fit
2 what's going on. And, so, maybe I'm not expressing it correctly, but all I'm saying
3 to you is, you know, with your signs and things, we get it but there's nothing we
4 can do.

5 Dkt. # 126-8 at 16. Although the City did not move for summary judgment regarding WLAD
6 Claim 6, the Court noted that there did not appear to be any evidence from which a reasonable
7 jury could conclude that the City violated RCW 49.60.215. Deputy Mayor Fernald did not, as
8 plaintiff alleges in the Amended Complaint, "admonish[] the residents not to come with 'your
9 signs and things.'" Dkt. # 25 at ¶ 4.16. Rather, she acknowledged that, despite the residents'
10 "signs and things," the City Council could not provide the relief requested of it: both the Acting
11 City Manager and the Senior Assistant City Attorney had confirmed at the same meeting that the
12 City Council had no role to play in the plan review process and did not have the authority to
13 extend the appeal deadline set forth in the municipal code.
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15 Plaintiff was given fourteen days to show cause why WLAD Claim 6 should not be
16 dismissed. No response was filed by the deadline of July 5, 2022. For all of the foregoing
17 reasons, WLAD Claim 6 is hereby DISMISSED. The pending motions to exclude expert
18 testimony (Dkt. # 85, Dkt. # 88, and Dkt. # 102) are denied as moot and the Clerk of Court is
19 directed to enter judgment in favor of defendant and against plaintiff.
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21 Dated this 8th day of July, 2022.
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26 Robert S. Lasnik
27 United States District Judge
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